

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 03 BRUSSELS 001338

SIPDIS

STATE FOR EUR/ERA AND S/CT

E.O. 12958: DECL: 03/25/2014

TAGS: [PTER](#) [PREL](#) [PGOV](#) [PINR](#) [EFIN](#) [KCRM](#) [EUN](#) [USEU](#) [BRUSSELS](#)

SUBJECT: EU LEADERS PLEDGE ACTION ON TERRORISM, NAME NEW CT CZAR

REF: BRUSSELS 1134

Classified By: USEU Poloff Van Reidhead for reasons 1.4 (b) and (d)

SUMMARY AND COMMENT

11. (U) In the wake of the Madrid bombings, EU leaders on March 25 issued a Declaration on Combating Terrorism (available at <http://ue.eu.int/>). They pledged to improve cooperation, to speed up implementation of agreed EU measures, and announced new initiatives to counter the terrorist threat. Among these are a political commitment by the EU-25 to abide by a Solidarity Clause (applicable to terrorism only) pledging mutual assistance in case of a terrorist attack, and appointing an EU CT Coordinator -- the Dutchman Gijs de Vries -- to monitor implementation of guidelines and ensure more effective cooperation among EU member states and institutions. EU leaders also released, as an annex to the Declaration, an updated CT Action Plan which among other things calls for the EU to "include effective counter-terrorism clauses in all agreements with third countries."

12. (C) Most of the elements of the Summit were political rather than practical, and the real test for the EU will be in their implementation. By establishing target deadlines for implementation on the national level, as well as creating the new position of coordinator to help knock heads in Brussels, the EU has indicated that they will begin to take their post-September 11 commitments more seriously. We should welcome the conclusions, and pledge to work closely with de Vries as he seeks to chart this new counter-terrorism course in the Brussels bureaucracy. Post recommends an early invitation to de Vries to meet with US counterparts to discuss ways the US and EU can cooperate on many of the areas mentioned in the declaration where US and EU goals coincide.
END SUMMARY AND COMMENT.

Solidarity Clause

13. (C) In an annex to the CT Declaration, EU leaders made a mostly symbolic political commitment to act jointly against terrorist acts, "in the spirit of the Solidarity Clause" contained in the draft EU Constitutional Treaty. Member states pledged mutual civil-military assistance to prevent terrorist attacks and to respond, if asked, in the event of an attack on another member state. Each country remains free to choose the most appropriate means to comply with the solidarity commitment in the event of attack or imminent threat. (COMMENT: The "clause" applies to terrorism only, and represents the natural desire of EU countries to come together at times of crisis. It is not a NATO Article Five-type clause, and the Summit declaration offered an "out" to both NATO and neutral countries by saying that each state would choose the most appropriate means to comply with this commitment. A contact present in the room as notetaker tells us that -- contrary to some press reporting -- there was no/no discussion by leaders of what the clause would mean in practice. END COMMENT.)

Counter-Terrorism Coordinator

14. (C) Based on the need for a comprehensive and strongly coordinated approach in response to the terrorism threat, EU leaders agreed to establish a new position of Counter-Terrorism Coordinator and agreed to a suggestion by HR Solana to appoint the Dutchman Gijs de Vries, former State Secretary for the Interior and former Dutch representative to

SIPDIS

the Convention on the Future of Europe. De Vries, who will take up his post as early as March 29, will work under Solana (in the Council Secretariat), and will coordinate the work of the Council in combating terrorism. He is mandated to provide overview and coordination assistance to the Council, and to ensure implementation of Council decisions. His first report to the Council is due in June. A Council interlocutor present for the discussion said that EU leaders acknowledged the need to speed up national implementation of EU CT measures. While not formally mandating him to do so, the

Summit results left open the possibility that de Vries might be able to have a limited role assisting national efforts. One member state source said that de Vries will play an important role as the guardian of member state commitments, ensuring that they are carried out, and coming up with additional recommendations and ideas to advance CT efforts. (COMMENT: Clearly, not all member states will tolerate internal meddling from a Brussels coordinator. De Vries' ability to track and/or coordinate member state efforts will depend largely on his political sensitivities and ability to navigate below the radar of public political scrutiny. END COMMENT.)

Terrorism Finance -----

15. (SBU) The Declaration is vague on terrorism financing (TF), repeating many of the standard EU talking points about needing to streamline processes and enhance cooperation. The Declaration specifically tasks the Commission to "consider improvements on regulation and transparency of legal entities, including charities and alternative remittance systems..." But unlike most of the other measures mandated in the Declaration, none of the calls for action on TF are linked to a deadline.

The US and NATO -----

16. (U) The Declaration has language stating the leaders' intention to "further strengthen cooperation with the US and other partners in countering the threat posed by terrorism." The revised Action Plan also calls on the EU to "identify areas for closer cooperation in consequence management with other international organizations, including NATO."

Linking EU Relations to CT Efforts -----

17. (SBU) In the Declaration, the EU says it will monitor the performance of third countries in their CT commitments, and suggests that good relations with the EU will depend on satisfactory progress. The revised action plan goes a bit further in calling on the EU to "Include effective counter-terrorism clauses in all agreements with third countries." Interlocutors tell us that no proposals are yet on the table for how to do this. Our prediction is that the EU will draft a model clause -- along the lines of the nonproliferation clause agreed last year -- for use in "mixed" (i.e. Council and Commission) agreements with third countries. Because member states and the Council have no direct authority over Commission-only agreements, this Summit tasking does not apply to agreements on only economic or assistance issues.

Intelligence Sharing -----

18. (C) The leaders backed HR Solana's efforts to develop, within the EU Council Secretariat, an intelligence capacity "on all aspects of the terrorist threat with a view to informing EU policy." Ahern said the leaders tasked Solana to report to the June EU Summit on "how intelligence capacity can be integrated within the Council structure." Though highlighted in many press reports, this point of the Declaration falls short of committing the leaders to establish "an EU intelligence agency," as recently suggested by Austria (with the backing of Belgium). Instead, the Declaration calls upon member states "to improve mechanisms for cooperation and the promotion of effective systematic collaboration between police, security and intelligence services."

19. (C) According to our interlocutors, Solana told leaders that the EU Situation Center would begin (before the June Summit) expanding its work on terrorism on the basis of existing resources. SitCen director William Shapcott told us Solana already has discussed his ideas with EU Interior Ministers: he will ask the June Council session to agree to beefing up the Situation Center's analytical capacity, to include officials from internal security services in member states (currently, only external services are active). Shapcott emphasized the Situation Center would concentrate on analysis, not operational details, and stressed that there were no plans to create a "European CIA."

An EU PNR System? -----

10. (SBU) The Declaration contains a helpful paragraph inviting "the Commission to bring forward a proposal no later than June 2004 for a common EU approach to the use of passenger data for border and aviation security and other law enforcement purposes." Apart from its obvious benefit to European security, this decision may assist US efforts to focus MEPs in the Parliament on approving the recently submitted US-EU PNR deal.

Comment

11. (C) Most of the elements of the summit were political rather than practical, and the real test for the EU will be in their implementation. By establishing target deadlines for implementation on the national level, as well as creating the new position of coordinator to help knock heads in Brussels, the EU has indicated that they will begin to take their post-September 11 commitments more seriously. We should welcome the conclusions, and pledge to work closely with de Vries as he seeks to chart this new counter-terrorism course in the Brussels bureaucracy. On PNR, biometrics, transport security, consequence management, terrorist financing, and terrorism prevention, this Summit offers an opportunity to enrich our cooperation with the EU and perhaps make forward progress in areas where we have had difficulties in the past. Post recommends and early invitation to de Vries to coordinate ways the US and EU can cooperate on the areas mentioned in the declaration where U.S. and EU goals coincide.

SCHNABEL